

SPECIAL COUNCIL MEETING

JUNE 17, 2015

The Special Council Meeting of the Council of the County of Kauaʻi was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhuʻe, Kauaʻi, on Wednesday, June 17, 2015 at 8:30 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kualiʻi (*present at 8:36 a.m.*)
Honorable JoAnn A. Yukimura (*present at 8:31 a.m.*)
Honorable Mel Rapozo

SCOTT K. SATO, Deputy County Clerk: Five (5) present.

Council Chair Rapozo: Next item, please.

Mr. Sato: Next item is the approval of the agenda.

Council Chair Rapozo: Can I get a motion to approve?

APPROVAL OF AGENDA.

Councilmember Kagawa moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro, and carried by a vote of 5:0:2 (*Councilmember Kualiʻi and Councilmember Yukimura were noted as excused.*)

Council Chair Rapozo: Thank you. Next item, please.

INTERVIEWS:

1. FIRE COMMISSION:

- Michael T. Martinez – Term ending 12/31/2016

Council Chair Rapozo: Thank you. Mr. Martinez.

There being no objections, the rules were suspended.

Council Chair Rapozo: Good morning and welcome.

MICHAEL T. MARTINEZ: Good morning. Thank you for having me.

Council Chair Rapozo: I just need you to state your name for the captioner.

Mr. Martinez: Yes. My name is Michael Martinez.

Council Chair Rapozo: And you can start with an opening statement, a brief biography of yourself, and then we will allow the Councilmembers to ask some questions.

Mr. Martinez: Okay. First of all, I am a State Farm agent. I work in Kapa'a. I am originally from the mainland, Colorado. I retired from the military in 2000. My wife is from the Big Island. She gave me an ultimatum, you either come back or do not come back.

(Councilmember Yukimura was noted as present.)

Mr. Martinez: So, I came back when I retired. We lived on the Big Island. We still have a home over there. I have a son that is there and I have four (4) grandkids over there. Here with me, I have my oldest daughter, a granddaughter, and my youngest daughter. My oldest will be leaving us here in July to go and get married in South Carolina and my youngest works at K-Mart. I have been here since 2010 and I really enjoy Kaua'i. This is a beautiful island. The people are outstanding. The *aloha* is alive and well here in this island. It is great.

Council Chair Rapozo: Thank you, Mike. First of all, thank you for your service in the United States (U.S.) Army.

Mr. Martinez: Thank you.

Council Chair Rapozo: I appreciate that. Thank you for your service in our community as well. I mean, I think everyone here recognizes your face from all of the community events. Thank you.

Mr. Martinez: Thank you.

Council Chair Rapozo: Any questions? You are being nominated for the Fire Commission, which seems appropriate as an insurance agent. Any questions for Mr. Martinez? Councilmember Hooser.

Councilmember Hooser: Yes. Good morning, Mr. Martinez.

Mr. Martinez: Good morning, sir.

Councilmember Hooser: Thank you for your willingness to serve. I guess my basic question is why the Fire Commission?

Mr. Martinez: Well, being part of the community and understanding the insurance part of it for homeowners, I do realize that there are some gaps that we need to try and fix if we can or at least bring attention to. Some of those gaps are the rates increases and the reason for those increases. With some of the locations of the fire stations on the island, some of the homeowners, if they are not within a five (5) mile radius of that fire station, will get an increase because of the risk because it takes a little bit longer or up to ten (10) miles. After the ten (10) miles, State Farm itself will not be able to insure those homes. So, that is kind of why with a little bit of the insight as to helping out homeowners, we could lower their premiums and see what we can do to make things a little bit easier for the Fire Department also.

Councilmember Hooser: Okay, great. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Good morning, Mike.

Mr. Martinez: Good morning, ma'am.

Councilmember Yukimura: The Chair said we know you from many events. I think we know you from your advertisement.

Mr. Martinez: Thank you.

Councilmember Yukimura: Which is very effective.

Mr. Martinez: Thank you.

Councilmember Yukimura: I guess I want to thank you for your willingness and interest in serving because I think you bring not only your insurance background, but a very insightful mind.

Mr. Martinez: Thank you.

Councilmember Yukimura: So, we are glad for that. One of the issues that is before us today, and I do not expect a definitive opinion in any way, is the issue of rescue recovery costs.

Mr. Martinez: Yes.

Councilmember Yukimura: I do not know that the Commission will be handling that matter. I do not know if that is in their *kuleana* exactly, but it is a Fire Department issue.

Mr. Martinez: Right, okay.

Councilmember Yukimura: I just wondered if you have any thoughts on the issue.

Mr. Martinez: Well, I do understand that the budget plays a part of that. But even with the budget that they have, I am hoping that we can find innovative ways to make that more of a program where we can do more. I would have to really look and see what the Fire Chief has, what his plans are, and then from there.

Councilmember Yukimura: Okay. Good. Do you know whether the Fire Commission looks at the Fire Department's budget?

Mr. Martinez: I know that during one of the last meetings, they did bring that discussion up. I have to see what they did with that and how far they went with that. I am not sure where they are at with that.

Councilmember Yukimura: I do not even know that, but certainly Fire Department budget is a very big portion of the County's Operating Budget.

Mr. Martinez: Right.

Councilmember Yukimura: So, some review of that would probably be a good idea.

Mr. Martinez: Yes, ma'am.

Councilmember Yukimura: Thank you very much.

Mr. Martinez: Thank you.

Council Chair Rapozo: Thank you. Any other questions? If not, thank you very much, sir.

Mr. Martinez: Thank you all. Thank you.

Council Chair Rapozo: We will be voting on this later today.

Mr. Martinez: Okay. Thank you.

Council Chair Rapozo: Next.

Mr. Sato: Our next interview is for the Charter Review Commission, Merrilee M. Ako, term ending 12-31-2017.

2. CHARTER REVIEW COMMISSION:

- Merrilee M. Ako – Term ending 12/31/2017

Council Chair Rapozo: Merrilee? Sorry, we are looking for Merrilee Ako.

MERRILEE M. AKO: Yes. Just like Superman.

Council Chair Rapozo: Is the blue light on?

Ms. Ako: The light is on.

Council Chair Rapozo: Okay, you are good. If you could just state your name for the captioner, please.

(Councilmember Kualii was noted as present.)

Ms. Ako: I am Merrilee Mia Ako. I am a resident of Kaua'i for eternity. A little bit about myself. I have worked with the Department of Education (DOE), I have worked with the University of Hawai'i, I have been with the Kaua'i Economic Development Board, and most recently, I worked at the State Legislature with Dee Morikawa. I am a proud parent of a graduate of Kamehameha Schools. Yes, he just made it. Now it is time to get back and give back to the community, and that is why I have submitted my name for the Charter Review Commission. Actually, it was just to get back into community service. I think I will be filling or...whose position, Jay? James Nishida.

Council Chair Rapozo: Thank you very much. Congratulations on your son's graduation.

Ms. Ako: Yes, thank you.

Council Chair Rapozo: Any questions for Ms. Ako? Councilmember Yukimura.

Councilmember Yukimura: Good morning.

Ms. Ako: Good morning.

Councilmember Yukimura: May I call you Mia?

Ms. Ako: Yes.

Councilmember Yukimura: Okay.

Ms. Ako: Because who knows Merrilee? That is only when I have been naughty.

Councilmember Yukimura: Yes. I think I have heard it before, but Mia is how I know you.

Ms. Ako: Yes.

Councilmember Yukimura: Thank you for making yourself available. It is good to have you back in the circle of government.

Ms. Ako: Why thank you.

Councilmember Yukimura: We have missed you.

Ms. Ako: Thank you.

Councilmember Yukimura: This is a really important Commission.

Ms. Ako: Right.

Councilmember Yukimura: Because its actions affect the structure of governance on our island. As you know, the Charter is like what the Constitution is to the Country. I have heard Commission members and Councilmembers say, "Oh, let us just put this on the ballot and let the people decide." Do you think that is an appropriate attitude for Commission members?

Ms. Ako: I think before anything goes out, I think you need to do due diligence whether it is sub-committees or you have Charter Commissions or you have a Planning Commission. It is that first step before it actually goes out to the public. With that, you do a lot of the vetting, you do a lot of the legwork so that when it does hit the public, there is enough information for the public to make a very wise choice whether it is "yes" or "no." The Charter is like the foundation of this County. It is an important Commission, but it is also a Committee or a Commission that will help the public to better understand government. For me, I think it should go out to the public. But before it does that, it needs it be vetted whether it is through the legal part to hear both sides, and then when you do give it out to the public, they have clear information to make a decision.

Councilmember Yukimura: Thank you. I really appreciate your answer. It actually has application to one of the subjects on our agenda today, which is looking at the County Manager format and whether or not that might be a good structure for our County government. I hope that we will take the time to do our due diligence. I think that is the intention and that is probably one of the biggest structural changes to look at. I also appreciated that you talked about educating the public so they really understand the choice.

Ms. Ako: Yes.

Councilmember Yukimura: I think we have been very weak in that. I mean, like in California for example, I think there is very clear lengthy explanations not only on the ballot, but workshops, community meetings, et cetera. I would love it if you would use your background, expertise, thinking, and community development to see if there are structures we could create for better education on Charter Amendments.

Ms. Ako: Yes.

Councilmember Yukimura: Thank you.

Ms. Ako: Thank you.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: Thank you, Mia, for your answers and for volunteering your time. I just want to clarify that today's agenda item on the County Manager is not yet being considered by you folks to be placed on the Charter Commission.

Ms. Ako: Okay.

Councilmember Kagawa: It is just really initial stages. We are in the embryo stage of looking at whether this thing is even realistic. There is no County in Hawai'i that uses the County Manager system. I think like you said, we better take our time and do due diligence before we even consider putting it on the ballot.

Ms. Ako: Yes.

Councilmember Kagawa: I guess my question is, how many females are now on the Charter Review Commission?

Ms. Ako: I do not know. Two (2)?

Councilmember Kagawa: She will be the single one? Because I know that Carol Suzawa was on it. Did her term expire?

Ms. Ako: I think so.

Councilmember Kagawa: Her term did expire? Okay. I just wanted to again, encourage the Boards & Commissions to again as much as possible, try and push the female involvement in these Boards. I thank you for being the sole female on the Commission at this time and I look forward to more.

Ms. Ako: Thank you.

Councilmember Kagawa: Thank you. Thank you, Chair.

Council Chair Rapozo: Thank you. Councilmember Hooser.

Councilmember Hooser: Good morning.

Ms. Ako: Good morning.

Councilmember Hooser: Will you be finished working with Representative Morikawa?

Ms. Ako: I am done.

Councilmember Hooser: You are done? Okay.

Ms. Ako: When May came around, my term ended. It was I guess, just for session.

Councilmember Hooser: Okay. As has been discussed the County Manager proposal, which we will be talking about later today, and has been in the community discussion for a number of years as well as a discussion on districting and other kinds of matters. My question is similar to what Mr. Martinez talked about. He kind of had a specific area that he was interested in, in terms of a distance and the impact on homeowners. When you look at the Charter, what areas do you think need to be changed or as a Commission member, if you were going to advocate for something, what area do you think would most need to be improved?

Ms. Ako: I will tell you this. I look at the Charter as the foundation of the County like any organization. For me to make changes, you really need to vet it. It is not something that you change very often. That is why the way that I read the Charter whether it comes through the Council or it comes through the community through a petition, that is the first step. So, there are many different steps. Getting back to your question, for me, what I bring to the Commission is, I think, a wide range of...I cannot say that it is Fire or the executive side or the legislative side. I guess for me, I have had many different experiences. I have sat on the Planning Commission, I have worked at the Legislature, I have worked in education, and I have done community volunteerism with non-profits. My strength to bring to this Commission is just a wide range of ways of looking at things and to just be open. Because of the many venues that I have worked in, you had to be able to listen to what people had to say and many different viewpoints. So, that is what I bring, if nothing else. It is not real specific. I cannot say, "Well, I am really strong in the legislative area or the executive area." I am not. I have been fortunate enough to work in many different fields that I bring pieces to the table and I am open. I am willing to listen. I am willing to try and understand. Because my foundation is in education as a teacher, I feel I can now bring that back out to the public to help them to understand. I am kind of like an elementary schoolteacher. I can break it down to the real simple.

Councilmember Hooser: Just to kind of narrow in, are there any specific areas of the Charter that you believe need changing that you would be advocating for?

Ms. Ako: Right now?

Councilmember Hooser: Yes.

Ms. Ako: I do not. I kind of looked at the Charter after I put in my application. It is strong. It is very clear in the roles of each one of you and the kinds of Departments. But things move forward and there is like anything, change.

Councilmember Hooser: Right.

Ms. Ako: But before you do change, I think you need to vet. You need to have good discussion first wherever it comes from, then with the Commission, then off to legal, and then you take it to the public, and if they feel that it is time for this County to move forward in another direction.

Councilmember Hooser: Right.

Ms. Ako: But everybody should have all of the information before you make something that is changing because this Charter is the bedrock.

Councilmember Hooser: Thank you so much.

Ms. Ako: Sure.

Councilmember Hooser: That was a good answer.

Ms. Ako: Thank you.

Council Chair Rapozo: Thank you. Any other questions for Mia?
Councilmember Yukimura.

Councilmember Yukimura: In your speaking of what you bring, would you not say that you also bring a real acuity or understanding of process?

Ms. Ako: Yes.

Councilmember Yukimura: I think process will be very important on the Charter. I think one of the areas to look at might be the number of signatures that it takes to put a matter on the ballot by petition because it is not less than five percent (5%) of the numbers of registered voters and yet to get a law in place, not a Charter Amendment, but like an Ordinance, I think it takes twenty percent (20%) of registered voters.

Ms. Ako: Okay.

Councilmember Yukimura: So, it is a higher standard for a lesser category of law.

Ms. Ako: Okay.

Councilmember Yukimura: We also have on the agenda, the Citizens United issue which is dealing with an amendment to the U.S. Constitution. We are

learning that to make an amendment to the U.S. Constitution, it is a very strenuous process and perhaps rightly so. The right of women to vote went through this process and it had to go through two (2) houses of Congress, I think, by a two-thirds (2/3) vote, and then three-quarters (3/4) of the State Legislatures had to approve it.

Ms. Ako: Wow.

Councilmember Yukimura: I think this might be an area to look at.

Ms. Ako: Okay.

Councilmember Yukimura: Thank you.

Ms. Ako: Thank you.

Council Chair Rapozo: Any other questions? Mia, thank you very much.

Ms. Ako: Sure.

Council Chair Rapozo: Your résumé is very impressive. I did not know you wrote a book or a publication.

Ms. Ako: Yes. That was when you are within the University system, that is something like a given that you have to publish. Amazing, right?

Council Chair Rapozo: I am very impressed. You bring a lot to that Commission.

Ms. Ako: Why thank you.

Council Chair Rapozo: I think that Commission, as has been stated by many Councilmembers, require that because the Charter is very broad and covers everything. The other thing too, is Councilmembers have the ability as well to introduce Charter Amendments. Maybe Councilmember Yukimura can consider doing one for the required signatures. You folks are tasked with doing the due diligence.

Ms. Ako: Yes.

Council Chair Rapozo: And that venue is an appropriate venue, public involvement. The Charter is an old document. It is old.

Ms. Ako: It is old.

Council Chair Rapozo: Some people call it the Bible. I tend to disagree because the Bible is a book that tells a story of the past. The Charter is a living document. It changes and there has been many changes. The only thing I would offer is that as you move forward should you be appointed today, which I do not see any problem, if as we make changes to the Charter, that there is some follow-up by the Charter Review Commission to see if in fact the intent was reached because that is never done. We change the Charter and then it just sits there. There is no post-analysis of the Charter Amendments. I think that is as critical as

introducing Charter Amendments because if it does not serve the purpose that was intended, then maybe we need to reconsider and amend it further or in fact, remove it.

Ms. Ako: That is true.

Council Chair Rapozo: That is all I have to offer.

Ms. Ako: Thank you.

Council Chair Rapozo: I trust that you will make the wise decisions and choices on that Commission. Anything else? If not, thank you very much, Mia.

Ms. Ako: Thank you.

Council Chair Rapozo: Likewise, we will vote on this nomination later this afternoon and you will be notified. Anyone in the audience wishing to testify?

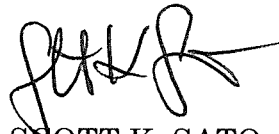
There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: If not, any further discussion? If not, with no objection, the meeting is adjourned.

ADJOURNMENT.

There being no further business, the meeting was adjourned at 8:52 a.m.

Respectfully submitted,



SCOTT K. SATO
Deputy County Clerk